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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/069,535 | 10/25/2001 | Markus Feurer | KS-115PCT | 1455 |
| 7590 | 06/28/2004 | | EXAMINER | |
| Friedrich Kueffner Suite 1921 342 Madison Avenue New York, NY 10173 | | | LAZOR, MICHELLE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1734 | |

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/069,535 | FEURER, MARKUS |
| Examiner | Art Unit | |
| Michelle A Lazor | 1734 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7,8 and 10 is/are rejected.
- 7) Claim(s) 9 and 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirlin (U.S. Patent No. 1448351).

Kirlin discloses a method for modifying the shape of hollow boards of thermoplastic material, which includes glass (column 1, lines 36 – 47), having at least one open cavity in an interior of the board open toward a board edge, wherein the cavity in the interior of the board is sealed at the board edge by compression and is thereby closed off to the exterior in a substantially gas-tight way, the method comprising softening by heating the hollow board whose shape is to be modified and modifying the shape of the hollow board in the softened state by external loading with a shaping pressure while the cavity is closed off to the exterior in a substantially gas-tight way, and sealing the cavity while leaving open at least one supply opening for the filling medium to be supplied to the cavity, or after complete closure of the cavity, introducing at least one supply opening for a filling medium, such as air under pressure, into the wall of the cavity and supplying the cavity which is closed off to the exterior in a substantially gas-tight way with at least one filling medium (Figures 1 – 4; column 2, lines 65 – 97). Thus Kirlin discloses all the limitations of Claims 7, 8, and 10, and anticipates the claimed invention.

Allowable Subject Matter

3. Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. There was no reference in the prior art search that disclosed, taught or suggested a filling medium whose temperature surpasses the initial temperature of the hollow board whose shape is to be modified; and does not disclose filling the hollow cavity which is closed off to the exterior in a substantially gas-tight way with *steam* as a filling medium. There is no motivation from the prior art search to modify Kirlin as claimed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kolbe et al. (U.S. Patent No. 4515648) disclose a method for modifying the shape of hollow boards of thermoplastic material having at least one open cavity in an interior of the board open toward a board edge, wherein the cavity in the interior of the board is sealed at the board edge and is thereby closed off to the exterior in a substantially gas-tight way, the method comprising softening by heating the hollow board whose shape is to be modified and modifying the shape of the hollow board in the softened state by external loading with a shaping pressure while the cavity is closed off to the exterior in a substantially gas-tight way (Abstract; column 4, lines 26 – 65).

Art Unit: 1734

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MAL
6/15/04


MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER